
Exhibit B

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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In Re: New York City Policing
During Summer 2020 Demonstrations

No. 20 Civ. 8924 (CM)(GWG)

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AFFIRMATION OF BRUCE A. GREEN

This filing is related to
ALL CASES

_____x

STATE OF NEW YORK)
 : SS.:
COUNTY OF NEW YORK)

BRUCE A. GREEN, a member of the Bar of this Court, affirms as follows under penalty of perjury:

1. I am the Louis Stein Chair at Fordham University School of Law, where I serve as Director of the Louis Stein Center for Law and Ethics. I am admitted to practice law in New York, the United States District Courts for the Southern and Eastern Districts of New York, and the Supreme Court of the United States.

2. I have been retained on behalf of the Sergeants Benevolent Association (SBA) to render an expert opinion on a question of legal ethics implicated by the SBA's motion to intervene. Specifically, I have been asked to render an opinion in response to the City's position that its lawyers can adequately represent the SBA's interests in this lawsuit. Drawing on relevant rules and principles of legal ethics, my opinion is to the contrary.

Qualifications

3. My qualifications to provide expert opinions on questions of lawyers' professional conduct are set forth more fully in my curriculum vitae, which is attached hereto as Exhibit 1.

4. I have been a law professor at Fordham University since 1987. Upon graduation from law school in 1981, I initially served as a law clerk to Judge James L. Oakes of the United States Court of Appeals for the Second Circuit, and then as a law clerk to Justice Thurgood Marshall of the Supreme Court of the United States. I then became an Assistant United States Attorney for the Southern District of New York, eventually serving as Deputy Chief and then Chief of the Criminal Division's appeals unit.

5. I have regularly taught courses in legal ethics at Fordham and elsewhere since 1987. I teach both a three-credit survey course on Professional Responsibility and a three-credit seminar on Ethics in Criminal Advocacy. In the survey course, I assign a casebook, now in its fourth edition, on which I have been a co-author from the outset. (Jefferson, Pearce, Green et al., *Professional Responsibility: A Contemporary Approach* (4th ed. 2020).)

6. I have organized or co-organized numerous conferences and other programs for legal academics and practitioners on issues of legal ethics, and I speak frequently at Continuing Legal Education programs and academic programs regarding legal ethics issues in litigation. I have written extensively on legal ethics in both academic and professional publications, including regarding issues that arise in litigation. In particular, I have written and spoken about conflicts of interest in litigation. *See, e.g.,* Bruce A. Green, *Conflicts of Interest in Litigation: The Judicial Role*, 65 Fordham L. Rev. 71 (1996). My curriculum vitae lists my publications.

7. I have engaged extensively in various professional work relating to legal ethics, much of it involving the drafting, interpreting or enforcement of professional conduct rules. In New York, I am the immediate past chair of the New York City Bar's Committee on Professional Ethics; I am a member and past chair of the New York State Bar Association's Committee on Professional Ethics; I serve on the New York State Bar Association's Committee on Standards of

Attorney Conduct; and I previously served on the Departmental Disciplinary Committee of the New York State Supreme Court, Appellate Division, First Department. On the national level, I currently chair the Multistate Professional Responsibility Examination drafting committee; I previously served on the ABA Standing Committee on Ethics and Professional Responsibility, to which I am now a liaison; I chaired the ethics committees of both the ABA Litigation Section and the ABA Criminal Justice Section; I served on the ABA Litigation Section's Task Force on Settlement Ethics; I was the reporter to the ABA Commission on Multijurisdictional Practice and to the ABA Task Force on Attorney-Client Privilege; and I chaired the Section on Professional Responsibility of the Association of American Law Schools. In recognition of my work in the field of legal ethics, I was the 2018 recipient of the Michael Franck Professional Responsibility Award, given annually by the ABA Center for Professional Responsibility.

8. I occasionally testify as an expert witness, give advice, draft amicus briefs, and render other professional services on issues of lawyers' professional conduct. When serving as an expert witness, in this case and others, I render opinions in my individual capacity and do not speak on behalf of any of the entities with which I am, or have been, associated.

Relevant Facts

9. For purposes of providing this opinion, I have reviewed the Complaint in this case and Anthony Coles' February 16, 2021 letter advising the Court of the SBA's intention to move to intervene. I have no first-hand knowledge of the relevant facts but rely on the facts set forth in Mr. Coles' letter and other factual assumptions expressed herein. The relevant facts are, in brief, as follows.

10. The New York State Attorney General has filed this lawsuit against the City of New York and three of its officials, alleging that the NYPD has made pervasive use of excessive force

and false arrests in suppressing overwhelmingly peaceful protests. The SBA, which is an independent municipal police union consisting of approximately 13,000 active and retired NYPD sergeants, and which is the exclusive bargaining representative of NYPD sergeants, seeks to intervene to protect its members' interests.

11. The 68-page Complaint includes extensive, detailed allegations of police misconduct in connection with protests in June 2020, including allegations describing specific incidents in which particular police officers allegedly used improper force. I assume that if the case is litigated, there is a reasonable likelihood that evidence would be offered regarding the alleged conduct of particular police officers, and that the Court would make findings regarding the conduct and its lawfulness which could include findings that particular officers engaged in conduct that would subject them personally to discipline, civil liability or other adverse legal or employment consequences. Although the Court's findings would not be legally conclusive in future proceedings in which individual officers were a party, I assume judicial findings could have significant practical effect with respect to, *e.g.*, the institutional decisions to pursue disciplinary proceedings or other adverse action against individual officers; prospective individual plaintiffs' decisions whether to bring civil claims; how future fact finders decide cases involving the officers' conduct; and the decisions of potential employers and others outside formal legal proceedings. I further assume that a decision in favor of the plaintiff, or a settlement agreement, could result in court-ordered remedies that alter police practices and policy in ways that have significant implications for how sergeants conduct their future work, including implications for police training and safety.

12. I have been advised that at a conference held at the courthouse on February 22, counsel for the City told the Court that the City will oppose intervention on the ground that it can adequately represent all interests of the individual officers.

Opinions

13. Although the City's position is that its lawyers can adequately represent the individual and collective interests of individual police sergeants and other police officers, I disagree for the reasons set forth below.

14. To begin with, it seems plain to me that the City's lawyers could not literally represent sergeants and other officers who are alleged to have engaged in improper force or whose conduct is otherwise challenged in the lawsuit. Suppose, for example, that a particular officer who allegedly employed improper force becomes a witness in a deposition and at trial. The question of whether the City's lawyer could concurrently represent the witness would be governed by Rule 1.7 of the New York Rules of Professional Conduct ("NY Rules").¹ Under Rule 1.7, the City's lawyer would have a "concurrent conflict of interest" if the joint representation "involve[d] the lawyer in representing differing interests," which "include every interest that will adversely affect either the judgment or the loyalty of a lawyer to a client, whether it be a conflicting, inconsistent, diverse, or other interest." NY Rules, Rules 1.0(f) & 1.7(a)(2). If the joint representation of the City and its officer involved a concurrent conflict of interest, the City's lawyer could not undertake the representation unless the City's lawyer "reasonably believed[d] that the lawyer will be able to provide competent and diligent representation to each affected client," and "each affected client gives informed consent." *Id.*, Rules 1.7(b)(1) & (4). If one lawyer in the City's Law Department

¹ The NY Rules apply here pursuant to the local civil rules of the U.S. District Courts for the Southern and Eastern Districts of New York.

could not concurrently represent both the City and its officer, then the conflict of interest would be imputed to all other lawyers of the Law Department. *Id.*, Rule 1.10(a) (“While lawyers are associated in a firm, none of them shall knowingly represent a client when any one of them practicing alone would be prohibited from doing so by Rule 1.7”) & Rule 1.0(h) (a “firm” includes “a government law office”).

15. Even if the Attorney General had not already charged the City with serious wrongdoing, but was only conducting an investigation, a single lawyer’s representation of the City and its police officers who are suspected of wrongdoing would give rise to a concurrent conflict of interest, and the only question would be whether the lawyer could provide “competent and diligent representation” despite the conflict. *See, e.g.*, NYC Bar, Comm. on Prof’l Ethics, Op. 2004-2 (2004) (addressing the representation of corporations and their constituents in the context of governmental investigations). Here, where a Complaint has been filed, it seems obvious that a lawyer could not defend the City while representing an officer (much less all the officers) accused of acting unlawfully. A lawyer who represented only the officer would be able to give disinterested advice, and prepare the officer to testify, with consideration of the officer’s interests in avoiding internal discipline, civil liability, potential criminal liability and other adverse consequences. In contrast, the City has an array of interests, none of which include serving the best interests of any given officer or of officers collectively.

16. Here, of course, the City’s lawyers do not in fact represent police officers as clients but, as I understand it, they have said that they will represent the officers’ interests along with those of the City. If so, the lawyers would still have a concurrent conflict of interest under Rule 1.7(a)(1). As discussed above, Rule 1.7(a)(1) is implicated by the representation of “differing interests,” not only by the representation of multiple clients. The “interests” of the SBA’s members

diverge from those of the City because the City can defend itself without defending the lawfulness of the officers' conduct; because in the City's view, the public interest may ultimately be best served by negotiating for a resolution that includes acknowledging individual officers' wrongdoing; and because the City may favor a remedy that disserves the future interests of SBA members at the expense of other City interests.

17. Likewise, if the lawyers commit themselves to serving and protecting the officers' individual and collective "interests" in this lawsuit without actually "representing" those interests, the lawyers would still have a concurrent conflict of interest, this time under Rule 1.7(A)(2), which recognizes that "a concurrent conflict of interest" arises when "there is a significant risk that the lawyer's professional judgment on behalf of a client will be adversely affected by the lawyer's . . . other interests." There would be a significant risk that the City's interests will diverge from those of the officers in a way that makes it impossible to serve both. For example, the City may decide not to defend some of its officers' conduct but simply to argue that its policies, training and direction were adequate and that any excessive force was the fault of individual officers, while the individual officers' interests might be best served by arguing that they simply followed orders from above. It is unimaginable that the City's lawyers could or would pursue both theories. Alternatively, insofar as the City is a public agency with an obligation to treat its citizens' lawfully, the City may choose to employ the litigation as an occasion to build public trust by acknowledging police misconduct and consenting to reforms in policing policies and practices – an interest that would be served by acknowledging wrongdoing by individual officers who wish to defend their conduct. Again, it is unimaginable that City lawyers could or would pursue the inconsistent interests.

18. Precisely because the City's lawyers do not in fact "represent" the officers individually or collectively as clients, it is doubtful that these lawyers can be expected to represent or serve the officers' "interests." If the officers were clients along with the City, the lawyers would undertake a host of fiduciary and ethical duties to them, including duties of competence, loyalty and confidentiality, and a duty to pursue their objectives within the bounds of the law. If the time came when the lawyers could not fulfill those duties, they would be obligated to end the joint representation. Here, in contrast, the City's lawyers owe those duties to the City but not to the members of the SBA, none of whom are clients. Therefore, at any point when the City's interests diverged from those of the SBA's members, the lawyers would be duty-bound to pursue the interests of the City at the expense of the police officers. In the above-discussed scenarios, for example, if the City's strategic interests or its settlement preferences were inconsistent with – or even undermined – the interests of SBA members, the City's lawyers would be professionally obligated to pursue the City's interests and to disregard those of the officers. Indeed, even in now opposing intervention, one can presume that the City's lawyers are pursuing the City's interests without regard to those of the officers, as the City's lawyers are professionally obligated to do.

19. Prior decisions illustrate how the City's interests, even in far less complex and significant cases, can diverge from those of individual officers. In *Dunton v. County of Suffolk*, 729 F.2d 903 (2d Cir. 1984), involving the joint representation of a municipality and its police officer as co-defendants in a civil rights case, the Court of Appeals reversed a judgment against the police officer because of the trial court's failure to inquire and respond appropriately to defense counsel's serious and ultimately prejudicial conflict of interest. The plaintiff in *Dunton* brought a civil rights claim against a police officer who assaulted him after finding him with the officer's wife. The plaintiff joined the county and the county police department as defendants. Although

the answer filed on behalf of the jointly represented defendants asserted that the officer had been acting in good faith as a police officer, defense counsel argued to the jury that the officer had acted as a husband outside the scope of his work as a police officer. The Court of Appeals recognized that “the interests of a municipality and its employee as defendants in a section 1983 action are in conflict,” because “[a] municipality may avoid liability by showing that the employee was not acting within the scope of his official duties,” whereas, “[t]he employee, by contrast, may partially or completely avoid liability by showing that he was acting within the scope of his official duties.” *Id.* at 907. The Court reversed the judgment against the officer because the trial judge had neither disqualified the defense lawyer from undertaking the conflicted representation nor, at the very least, “ensure[d] that the client fully appreciate[d] his situation.” *Id.* at 908-09.

20. Decisions following *Dunton* have recognized that the joint representation of a public entity and its employee may entail a conflict of interest even if the public entity stipulates that its employee was acting within the scope of his employment. For example, it may be in the individual’s interest to “shift liability to the municipality . . . by establishing a good faith, qualified immunity defense” based in part on improper or inadequate training; since this defense “is not available to the municipality,” it would be “good for the officer but bad for the City.” *Ricciuti v. N.Y.C. Transit Auth.*, 796 F. Supp. 84, 88 (S.D.N.Y. 1992); *cf. Lieberman v. City of Rochester*, 681 F. Supp. 2d 418, 424-28 (W.D.N.Y. 2010) (denying disqualification motion where corporation counsel represented that the officers had acted within the scope of their employment and the city would pay for their legal defense and indemnify them for all damages, including punitive damages); *see generally* Nicole Tell, Note, *Representing Police Officers and Municipalities: A Conflict of Interest for a Municipal Attorney in a § 1983 Police Misconduct Trial*, 65 Fordham L.

Rev. 2825, 2849-2855 (1997) (identifying conflicts arising out of settlement, indemnification or appeal).

21. If the City were to agree, and adhere, to the position that all SBA members whose conduct is in question acted lawfully within the scope of their employment, then one might reasonably argue under *Dunton* that there is no conflict here and that the City's lawyers can adequately represent SBA members' interests. But if the City reserves the right to blame individual officers, the conflict remains irreconcilable.

Conclusion

22. In the end of the day, the City's mistaken belief that its lawyers can represent the SBA members' interests likely rests on an overly narrow view of those interests and/or on a wishful assumption that the respective interests will be aligned throughout the lawsuit (assuming they are aligned even now). But from the perspective of the NY Rules, the City and the SBA members have "differing interests." At points in the litigation when these interests diverge, the City's lawyers will not be able, or ethically permitted, to serve both sets of interests. In that event, the City's lawyers will be duty-bound to serve the City's interests and to pursue its objectives at the expense of the SBA members.

Dated: New York, New York
March 2, 2021



Bruce A. Green

Exhibit 1

BRUCE A. GREEN
Louis Stein Chair
Fordham University School of Law
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New York, NY 10023
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bgreen@law.fordham.edu

Bar Admissions

New York State (since 1982)
U.S. District Courts for the Southern and Eastern Districts of New York
U.S. Supreme Court

Education

Columbia University School of Law: J.D. 1981
Honors: James Kent Scholar; Harlan Fiske Stone Scholar
Associate Editor, *Columbia Law Review*

Princeton University: A.B. 1978, *summa cum laude*

Current Legal Employment

Fordham University School of Law:
Louis Stein Chair of Law, since 1997
Professor, 1996-97; Associate Professor, 1987-96
Director, Louis Stein Center for Law and Ethics, since 1997
Director, Stein Center for Ethics and Public Interest Law, 1992-97

Prior Full-time Legal Employment

New York University School of Law: Visiting Professor: January-May 2007

Office of the United States Attorney for the Southern District of New York:
October 1983 to August 1987, Assistant United States Attorney
Deputy Chief Appellate Attorney, 1986-87; Chief Appellate Attorney, 1987

U.S. Supreme Court: Law clerk to Justice Thurgood Marshall, 1982-83

U.S. Court of Appeals for the Second Circuit: Law clerk to Judge James L. Oakes, 1981-82

Other Legal Positions

Departmental Disciplinary Committee, App. Div., 1st Department: Member, 1997-2002

New York City Conflicts of Interest Board: Member, Nov. 1995 to March 2005

Handschu Authority: Civilian member, July 1994 to Nov. 1995

Office of Investigations Officer (U.S. v. I.B.T.): Special Counsel (part-time), 1991

Office of Independent Counsel Lawrence Walsh, Associate Counsel (part-time), 1988-91

N.Y.S. Commission on Government Integrity: Consultant and special investigator, 1988-90

Columbia University School of Law: Adjunct Professor (part-time), 1990

Office of the United States Attorney for the Southern District of New York: Special Assistant United States Attorney (part-time), September 1987 to June 1988

Fordham University School of Law: Adjunct Assoc. Professor (part-time), 1985-87

Professional Service

American Bar Association:

Commission on the American Jury Project: member, 2006-2008
Commission on Multijurisdictional Practice: reporter, 2000-2002
Coordinating Group on Bioethics and the Law: member, 1997-2003
Criminal Justice Section:
 Chair: 2010-2011
 Chair-elect: 2009-2010
 Council: member, 2011-2017
 Criminal Justice Standards Comm.: chair, 2017 to present; member, 2013-2017
 First Vice Chair: 2008-2009
 Ethics, Gideon and Professionalism Committee: co-chair, 2006-09
Death Penalty Representation Project: member, 2006-09, 2014-17
Section of Individual Rights and Responsibilities:
 Chair, Committee on Privacy and Information Protection, 2014-15
Section of Litigation:
 Task Force on Sound Advice, 2012-13
 Task Force on Implicit Bias: member, 2011-12
 Task Force on the Litigation Research Fund: Chair, 2007-2011
 Division VII (Task Forces): Co-Director, 2007-2008
 Council member, 2004-07
 Committee on Law Faculty Involvement: co-chair, 1998-2001, 2003-2004
 Civil Justice Institute: member, 2001-03
 Task Force on Ethical Guidelines for Settlement Negotiations: member, 2000-02
 Ethics 2000 Task Force: member, 1999-2000
 Committee on Ethics and Professionalism: co-chair, 1995-1998
 Task Force on the Independent Counsel Act: reporter, 1997-1999
 Rep. to Sec./Div. Committee on Professionalism and Ethics, 1996-2003
 Committee on Amicus Curiae Briefs: chair, 1991-1995
Standing Committee on Ethics and Professional Responsibility: member, 2008-2011
Standing Committee on Professionalism: reporter, 2000-2001
Steering Committee for the Symposium on the Multijurisdictional Practice of Law:
reporter, 1999-2000
 Task Force on the Attorney-Client Privilege: reporter, 2004-2010
 Task Force on Law Schools and the Profession: consultant, 1991-92

Association of American Law Schools: Chair, Section of Professional Responsibility, 1999-2000

Criminal Law Bulletin: Contributing editor, 1988-1998

Evan B. Donaldson Adoption Institute: Ethics Advisory Committee: member, 1998-2001

Federal Bar Council:

Board of Trustees, member, 2018 to present
Second Circuit Courts Committee: member, 1994-1997; chair, Subcommittee on Criminal Law and Ethics
Federal Bar Council News: member of the Editorial Board, 1995-2005
Inn of Court: master, 2000-2002

International Association of Legal Ethics: Treasurer, 2019 to present; Chair, Conference Planning Advisory Committee, 2014-16; Director, 2010-13

Legal Ethics: Member of Advisory Board, 2008 to present

National Conference of Bar Examiners, MPRE Drafting Committee, Chair, 2018 to present; Member, 2001-2018

New York City Bar:

Committee on Professional and Judicial Ethics: chair, 2016-2020; member, 1994-1997, 2003-2006, 2015-16
Litigation Funding Working Group: member, 2018-2020
Executive Committee: member, 2010-14
Working Group on the NYS Bar Exam: member, 2014
White Collar Crime Committee: member, 2013-16
Council on Criminal Justice: member, 2009-13
Delegate to NYS Bar Association, 2003-07
Nominating Committee: member, 2005
Ethics 2000 Committee: member, 1999-2001
Jt. Committee on the Legal Referral Service: chair, 1993-96; member, 1996-2000
Committee on International Access to Justice: member, 1999-2000
Committee on Disaster Plan: member, 1996-1997
Marden Lecture Committee: member, 1991-1994
Criminal Law Committee: member, 1991-1994
Task Force on Lawyer Training: member, 1992-1994
Corrections Committee: member, 1988-1991

New York County Lawyers' Association:

Director, 2004-2007, 2008-2012, 2013-2017
Delegate to NYS Bar Association, 2009-2011
Member, Committee on Professional Ethics, 2014 to present

New York State Bar Association:

Committee on Professional Ethics: Chair, 1998-2001; member, 1991 to present
Committee on Standards of Attorney Conduct: member, 1997 to present
House of Delegates member, 2003-2007, 2009-2015
Task Force on Attorney Client Privilege, 2006-2008
Task Force on “Pay to Play” Concerns, member, 1998-2000

New York State Continuing Legal Education Board: Member, 2008-2011

New York State Task Force on Attorney Professionalism and Conduct: Member, 1996-1998

Awards

Michael Franck Professional Responsibility Award, given by the ABA Center for Professional Responsibility, May 31, 2018

Powell Pierpont Award, given by the N.Y.C. Conflicts of Interest Board “for outstanding service to the New York City Conflicts of Interest Board,” May 23, 2006

New York State Bar Association Criminal Justice Section Award for “outstanding contribution in the field of criminal law education,” Jan. 23, 2003

Sanford D. Levy Award, given by New York State Bar Association Committee on Professional and Judicial Ethics, 1990

PUBLICATIONS

Articles in Law Journals

Bar Authorities and Prosecutors (Chapter 15), forthcoming in *Oxford Handbook on Prosecutors and Prosecution* (Ronald W. Wright et al., ed. 2021),
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3625634

When Prosecutors Politick: Progressive Law Enforcers Then and Now, 110 J. Crim. L. & Criminology 719 (2020) (with Rebecca Roiphe)

May Class Counsel Also Represent Lead Plaintiffs?, 72 Florida L. Rev. 1083 (2020) (with Andrew Kent)

Victims' Rights from a Restorative Perspective, 17 Ohio St. J. Crim. L. 293 (2020) (with Lara Bazelon)

Restorative Justice from Prosecutors' Perspective, 88 Fordham L. Rev. 2287 (2020) (with Lara Bazelon)

Should Criminal Justice Reformers Care About Prosecutorial Ethics Rules?, 58 Duq. L. Rev. 249 (2020) (with Ellen Yaroshefsky)

A Fiduciary Theory of Prosecution, 69 Am. U. L. Rev. 805 (2020) (with Rebecca Roiphe)

The Supreme Court's Supervisory Authority over Federal Criminal Cases: The Warren Court Revolution That Might Have Been, 49 Stetson L. Rev. 241 (2020)

Punishment Without Process: "Victim Impact" Proceedings for Dead Defendants, Fordham Law Review Online, vol. 88 (2019) (with Rebecca Roiphe), http://fordhamlawreview.org/wp-content/uploads/2019/11/Green-Roiphe_November_FLRO_4.pdf

Regulating Prosecutors' Courtroom Misconduct, 50 Loy. U. Chi. L.J. 797 (2019)

Foreword: In Honor of Prof. Bennett L. Gershman, 16 Ohio St. J. Crim L. 291 (2019) (with Peter Joy & Ellen Yaroshefsky)

Prosecutorial Discretion: The Difficulty and Necessity of Public Inquiry, 123 Dickinson L. Rev. 589 (2019)

Prosecutors in the Court of Public Opinion, 57 Duquesne L. Rev. 271 (2019)

Judicial Activism in Trial Courts, 74 N.Y.U Ann. Survey of Am. Law 365 (2019) (with Rebecca Roiphe)

May Federal Prosecutors Take Direction from the President?, 87 Fordham L. Rev. 1817 (2019) (with Rebecca Roiphe)

Lawyers in Government Service – A Foreword, 87 Fordham L. Rev. 1791 (2019)

Can the President Control the Department of Justice?, 70 Ala. L. Rev. 1 (2018) (with Rebecca Roiphe)

Case Study 2: Advising Grassroots Organizations, 47 Hofstra L. Rev. 33 (2018) (with Marci Seville)

Learning to Live with Judicial Partisanship: A Response to Cassandra Burke Robertson, 70 Fla. L. Rev. F. 114 (2018) (with Rebecca Roiphe), http://www.floridalawreview.com/wp-content/uploads/GreenRoiphe_published.pdf

May Lawyers Assist Clients in Some Unlawful Conduct?: A Response to Paul Tremblay, 70 Fla. L. Rev. F. 1 (2018), http://www.floridalawreview.com/wp-content/uploads/Green_Published.pdf

Foreword, Symposium, Can a Good Person Be a Good Prosecutor in 2018?, Fordham Law Review Online, vol. 87 (2018), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3257914

The price of judicial economy in the US, International Journal of the Legal Profession (2018), <https://doi.org/10.1080/09695958.2018.1516841>

The Right to Two Criminal Defense Lawyers, 69 Mercer L. Rev. 675 (2018)

Urban Policing and Public Policy – the Prosecutor’s Role, 51 Georgia L. Rev. 1179 (2017)

Prosecutorial Ethics in Retrospect, 30 Geo. J. Legal Ethics 461 (2017)

The Price of Judicial Economy in the US, 7 Oñati Socio-Legal Series no.4, 790-808 (2017), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3035295

Rethinking Prosecutors’ Conflicts of Interest, 58 Boston College L. Rev. 463 (2017) (with Rebecca Roiphe)

Prosecutorial Accountability 2.0, 92 Notre Dame L. Rev. 51 (2016) (with Ellen Yaroshefsky)

Disciplinary Regulation of Prosecutors as a Remedy for Abuses of Prosecutorial Discretion: A Descriptive and Normative Analysis, 14 Ohio St. J. Crim. L. 143 (2016) (with Samuel Levine)

Should There Be a Specialized Ethics Code for Death-Penalty Defense Lawyers?, 29 Geo. J. Legal Ethics 527 (2016)

Candor in Criminal Advocacy, 44 Hofstra L. Rev. 1105 (2016)

Access to Criminal Justice: Where Are the Prosecutors?, 3 Tex. A&M L. Rev. 515 (2016)

The Lawyer as Lover: Are Courts Romanticizing the Lawyer-Client Relationship?, 32 Touro L. Rev. 139 (2016)

Legal Discourse and Racial Justice: The Urge to Cry “Bias!”, 28 Georgetown J. Legal Ethics 177 (2015)

Prosecutors’ Disclosure Obligations in the U.S., 42 Hitotsubashi J. L. & Politics 51 (2014) (with Peter Joy)

Judicial Regulation of US Civil Litigators, 16 Legal Ethics 306 (2013)

Gideon’s Amici: Why Do Prosecutors So Rarely Defend the Rights of the Accused?, 122 Yale L.J. 2336 (2013)

The Right to Plea Bargain With Competent Counsel After *Cooper* and *Frye*: Is the Supreme Court Making the Ordinary Criminal Process “Too Long, Too Expensive, and Unpredictable . . . in Pursuit of Perfect Justice”?, 51 Duquesne L. Rev. 735 (2013)

Lawyers’ Professional Independence: Overrated or Undervalued?, 46 Akron L. Rev. 599 (2013)

The Attorney-Client Privilege – Selective Compulsion, Selective Waiver and Selective Disclosure: Is Bank Regulation Exceptional?, 2013 Journal of the Professional Lawyer 85 (2013)

Unregulated Corporate Internal Investigations: Achieving Fairness for Corporate Constituents, 54 B.C. L. Rev. 73 (2013) (with Ellen S. Podgor)

Federal Criminal Discovery Reform: A Legislative Approach, 64 Mercer L. Rev. 639 (2013)

Rehabilitating Lawyers: Perceptions of Deviance and its Cures in the Lawyer Reinstatement Process, 40 Fordham Urb. L.J. 139 (2012) (with Jane Moriarty)

The Flood of U.S. Lawyers: Natural Fluctuation or Professional Climate Change?, 19 Int’ J. Legal Prof. 193 (2012)

Prosecutors and Professional Regulation, 25 Georgetown J. Legal Ethics 873 (2012)

The Community Prosecutor: Questions of Professional Discretion, 47 Wake Forest L. Rev. 285 (2012) (with Alafair S. Burke)

Foreword, Globalization and the Legal Profession, 80 Fordham L. Rev. 2305 (2012)

Developing Standards of Conduct for Prosecutors and Criminal Defense Lawyers, 62 Hastings L.J. 1093 (2011)

Prosecutors' Ethical Duty of Disclosure *In Memory of Fred Zacharias*, 48 San Diego L. Rev. 57 (2011)

The Legal Ethics Scholarship of Ted Schneyer: The Importance of Being Rigorous, 53 Ariz. L. Rev. 365 (2011)

The Civil Government Lawyer: A View From the Jury Box, 38 Hofstra L. Rev. 883 (2010) (with Karen Bergreen).

Beyond Training Prosecutors About Their Disclosure Obligations: Can Prosecutors' Offices Learn From Their Lawyers' Mistakes, 31 Cardozo L. Rev. 2161 (2010)

Ethically Representing a Lying Cooperator: Disclosure as the Nuclear Deterrent, 7 Ohio St. J. of Crim. L. 639 (2010)

Fear of the Unknown: Judicial Ethics After *Caperton*, 60 Syracuse L. Rev. 229 (2010)

ABA Ethics Reform from "MDP" to "20/20": Some Cautionary Reflections, 2009 Journal of the Professional Lawyer 1 (2009)

Rationalizing Judicial Regulation of Lawyers, 70 Ohio St. L.J. 73 (2009) (with Fred C. Zacharias)

Regulating Federal Prosecutors: Let There Be Light, 118 Yale L.J. Pocket Part TK (2009), <http://thepocketpart.org/2009/TK/TK/green.html>.

The Duty to Avoid Wrongful Convictions: A Thought Experiment in the Regulation of Prosecutors, 89 Boston University L. Rev. 1 (2009) (with Fred C. Zacharias)

"Public Service Must Begin at Home": The Lawyer as Civics Teacher in Everyday Practice, 50 Wm. & Mary L. Rev. 1207 (2009) (with Russell Pearce)

Regulating Discourtesy on the Bench: A Study in the Evolution of Judicial Independence, 64 N.Y.U. Ann. Survey of Am. Law 497 (2009) (with Rebecca Roiphe) (symposium on judicial transparency)

Prosecutorial Discretion and Post-Conviction Evidence of Innocence, 6 Ohio St. J. of Crim. L. 467 (2009) (with Ellen Yaroshefsky)

Foreword, The Lawyer's Role in a Contemporary Democracy, 77 Fordham L. Rev. 1229 (2009)

Remembering Mary Daly: A Legal Ethicist Par Excellence, 83 St. John's L. Rev. 23 (2009)

The Market for Bad Legal Scholarship: William H. Simon's Experiment in Professional Regulation, 60 Stanford L. Rev. 1605 (2008)

"The U.S. Attorneys Scandal" and the Allocation of Prosecutorial Power, 69 Ohio St. L.J. 187 (2008) (with Fred C. Zacharias)

Some Realism About Bar Associations, 57 DePaul L. Rev. 425 (2008) (with Elizabeth Chambliss)

Criminal Defense Lawyering at the Edge – A Look Back, 36 Hofstra Law Rev. 353 (2007)

Teaching Lawyers Ethics, 51 St. Louis L.J. 1091 (2007)

Permissive Rules of Professional Conduct, 91 Minn. L. Rev. 265 (2006) (with Fred C. Zacharias)

Taking Cues: Inferring Legality from Others' Conduct, 75 Fordham L. Rev. 1429 (2006)
The Religious Lawyering Critique, 21 J. of Law & Religion 283 (2006)

Representing Children in Families – Foreword, 6 Nevada L. Rev. 571 (2006) (with Annette R. Appell)

"Anything Rather Than a Deliberate and Well-Considered Opinion"–Henry Lord Brougham, Written by Himself, 19 Georgetown J. Legal Ethics 1221 (2006) (with Fred C. Zacharias)

Reconceptualizing Advocacy Ethics, 74 George Washington L. Rev. 1 (2005) (with Fred C. Zacharias)

Foreword, Professional Challenges in Large Firm Practices, 33 Fordham Urb. L.J. 7 (2005)

Prosecutorial Neutrality, 2004 Wisconsin L. Rev. 837 (with Fred C. Zacharias)

Foreword, Colloquium, Deborah Rhode's *Access to Justice*, 73 Fordham L. Rev. 841 (2004)

Federal Court Authority to Regulate Lawyers: A Practice in Search of a Theory, 56 Vand. L. Rev. 1303 (2003) (with Fred C. Zacharias)

Prosecutorial Ethics as Usual, 2003 Illinois L. Rev. 1573

Criminal Neglect: Indigent Defense from an Ethics Perspective, 52 Emory Law Review 1169 (2003)

Regulating Federal Prosecutors' Ethics, 55 Vand. L. Rev. 381 (2002) (with Fred C. Zacharias)

Bar Association Ethics Committees: Are They Broken?, 30 Hofstra L. Rev. 731 (2002)

May Judges Attend Privately Funded Educational Programs? Should Judicial Education Be Privatized?: Questions of Judicial Ethics and Policy, 29 Fordham Urb. L.J. 941 (2002)

John D. Feerick: The Dean of Ethics and Public Service, 70 Fordham L. Rev. 2165 (2002)

Judicial Rationalizations for Rationing Justice: How Sixth Amendment Doctrine Undermines Reform, 70 Fordham L. Rev. 1729 (2002)

Thoughts About Corporate Lawyers After Reading *The Cigarette Papers*: Has the "Wise Counselor" Given Way to the "Hired Gun"?, 51 DePaul L. Rev. 407 (2001)

Reflections on the Ethics of Legal Academics: Law Schools as MDPs; or, Should Law Professors Practice What They Teach?, 42 S. Tex. L. Rev. 301 (2001)

Public Declarations of Professionalism, 52 S. Car. L. Rev. 729 (2001)

The Disciplinary Restrictions on Multidisciplinary Practice: Their Derivation, Their Development, and Some Implications for the Core Values Debate, 84 Minn. L. Rev. 1115 (2000)

The Uniqueness of Federal Prosecutors, 88 Georgetown L.J. 207 (2000) (with Fred C. Zacharias)

Must Government Lawyers "Seek Justice" in Civil Litigation?, 9 Widener J. Pub. L. 235 (2000)

There But for Fortune: Real-Life vs. Fictional "Case Studies" in Legal Ethics, 64 Fordham L. Rev. 977 (2000)

Rationing Lawyers: Ethical and Professional Issues in the Delivery of Legal Services to Low-Income Clients, 67 Fordham L. Rev. 1713 (1999)

Why Should Prosecutors "Seek Justice"?, 26 Fordham Urb. L.J. 609 (1999)

The Criminal Regulation of Lawyers, 67 Fordham L. Rev. 327 (1998)

Lawyers as Nonlawyers in Child-Custody and Visitation Cases: Questions From a “Legal Ethics” Perspective, 73 Ind. L.J. 665 (1998)

Lawyer Discipline: Conscientious Noncompliance, Conscious Avoidance, and Prosecutorial Discretion, 66 Fordham L. Rev. 1307 (1998)

Less is More: Teaching Legal Ethics in Context, 39 Wm. & Mary L. Rev. 357 (1998)

Conflicts of Interest in Legal Representation: Should the Appearance of Impropriety Rule Be Eliminated in New Jersey--Or Revived Everywhere Else?, 28 Seton Hall L. Rev. 315 (1997)

The Role of Personal Values in Professional Decisionmaking, 11 Geo. J. of Legal Ethics 19 (1997)

Conflicts of Interest in Litigation: The Judicial Role, 65 Fordham L. Rev. 71 (1996)

Whose Rules of Professional Conduct Should Govern Lawyers in Federal Court and How Should the Rules Be Created?, 64 George Washington L. Rev. 460 (1996)

Foreword: Children and the Ethical Practice of Law, in Ethical Issues in the Legal Representation of Children, 64 Fordham L. Rev. 1281 (1996) (with Bernardine Dohrn)

Contextualizing Professional Responsibility: A New Curriculum for a New Age, 58 Law & Contemp. Probs. 193 (1995) (with Mary Daly & Russell Pearce)

Policing Federal Prosecutors: Do Too Many Regulators Produce Too Little Enforcement?, 8 St. Thomas L. Rev. 69 (1995)

Of Laws and Men: An Essay on Justice Marshall’s View of Criminal Procedure, 26 Ariz. St. L.J. 369 (1994) (with Daniel Richman)

Foreword, Ethical Issues in Representing Older Clients, 62 Fordham L. Rev. 961 (1994) (with Nancy Coleman)

Foreword, Urban Environmental Equity, 21 Fordham Urb. L.J. 425 (1994)

Lethal Fiction: The Meaning of “Counsel” in the Sixth Amendment, 78 Iowa L. Rev. 433 (1993) [reprinted in 6 Crim. Prac. L. Rev. 183 (1994)]

“The Whole Truth?”: How Rules of Evidence Make Lawyers Deceitful, 25 Loyola of Los Angeles L. Rev. 699 (1992)

“Power, Not Reason”: Justice Marshall's Valedictory and the Fourth Amendment in the Supreme Court's 1990-91 Term, 70 N.C.L. Rev. 373 (1992)

After the Fall: The Criminal Law Enforcement Response to the S&L Crisis, 59 Fordham L. Rev. S155 (1991)

Zealous Representation Bound: The Intersection of the Ethical Codes and the Criminal Law, 69 N.C.L. Rev. 687 (1991) [reprinted in 4 Crim. Prac. L. Rev. 323 (1992)]

“Hare and Hounds”: The Fugitive Defendant's Constitutional Right to Be Pursued, 56 Brooklyn L. Rev. 439 (1990) [reprinted in 4 Crim. Prac. L. Rev. 67 (1992)]

The Good-Faith Exception to the Fruit of the Poisonous Tree Doctrine, 26 Crim. L. Bull. 509 (1990)

Doe v. Federal Grievance Committee: On the Interpretation of Ethical Rules, 55 Brooklyn L. Rev. 485 (1989)

“Through a Glass, Darkly”: How the Court Views Motions to Disqualify Criminal Defense Lawyers, 89 Colum. L. Rev. 1201 (1989) [reprinted in 2 Crim. Prac. L. Rev. 551 (1990)]

Her Brother's Keeper: The Prosecutor's Responsibility When Criminal Defense Counsel Has a Conflict of Interest, 16 Am. J. Crim. L. 323 (1989)

“Package” Plea Bargaining and the Prosecutor's Duty of Good Faith, 25 Crim. L. Bull. 507 (1989)

Limits on a Prosecutor's Communications With Prospective Defense Witnesses, 25 Crim. L. Bull. 139 (1989)

A Prosecutor's Communications With Represented Defendants: What Are the Limits?, 24 Crim. L. Bull. 283 (1988)

The Ethical Prosecutor and the Adversary System, 24 Crim. L. Bull. 126 (1988)

Note, Court Appointment of Attorneys in Civil Cases: The Constitutionality of Uncompensated Legal Assistance, 81 Colum. L. Rev. 366 (1981)

Note, A Functional Analysis of the Effective Assistance of Counsel, 80 Colum. L. Rev. 1053 (1980)

Articles in Legal Periodicals

“A January Massacre Averted and the Lawyers Who Helped Avert It,” NYLJ, Jan. 28, 2021, <https://www.law.com/newyorklawjournal/2021/01/28/a-january-massacre-averted-and-the-lawyers-who-helped/?slreturn=20210028120632> (with Rebecca Roiphe)

“Resolving Ethics Questions in Good Faith,” *Litigation*, vol. 46, no. 2, Winter 2020, p. 39

“The Judge in Epstein’s Case Should Not Turn the Dismissal Into a Drama for the Victims,” LAW.COM/NYLJ, Aug. 26, 2019, <https://www.law.com/newyorklawjournal/2019/08/26/the-judge-in-epsteins-case-should-not-turn-the-dismissal-into-a-drama-for-the-victims/> (with Rebecca Roiphe)

“Should We Let Funders Invest in Law Firms?,” *Litigation*, vol. 45, no. 4, Summer 2019, p. 10

“The Challenges and Rewards of Teaching Legal Ethics,” *The Professional Lawyer*, vol. 25, no. 2 (2018), p. 3, https://www.americanbar.org/content/dam/aba/administrative/professional_responsibility/green_tpl_25_2.authcheckdam.pdf

“Threatening Litigation,” *Litigation*, vol. 44, no. 1, Fall 2017, p. 13

“Balancing Act,” *ABA Journal*, Nov. 2017, p. 24, available at: http://www.abajournal.com/magazine/article/opinion_gives_guidance_for_legal_services_lawyers_on_advising_with_nonlawyer

“Handle With Care,” *Litigation*, vol. 42, no. 4, Summer 2016, p. 9

“The Ethics of Global Litigation,” *Litigation*, vol. 41, no. 4, Summer 2015, p. 9

“The Litigator’s Monopoly,” *Litigation*, vol. 40, no. 4, Summer 2014, p. 10

“Experiential Learning: Practice Makes Perfect,” NYLJ, Apr. 21, 2014

“Two Wrongs Make it Worse in Cops’ Retrial,” *Nat’l L.J.*, Sept. 13, 2013

“The Ethics-Procedure Dichotomy,” *Litigation*, vol. 39, no. 3, Summer 2013, p. 11

“Federal Litigation: A “No-Contact” Sport?,” *Litigation*, vol. 38, no. 4, Summer/Fall 2012, p. 11

“Prosecutors for Sale,” *Nat’l L.J.*, Oct. 1, 2012, p. 43

“Balancing Conscience and Confidentiality for Attorney Whistleblowers,” *Corporate Counsel*,

June 6, 2012 (with Jordan Thomas), available at:
<http://www.law.com/jsp/cc/PubArticleFriendlyCC.jsp?id=1202557377777>

“The Perils of Sloppy Engagement Agreements,” *Litigation*, vol. 38, no. 1, Fall 2011, p. 7

“The Perils of New Technology,” *Litigation*, vol. 37, no. 4, Summer 2011, p. 6

“Criminal Justice: There’s Always More to Learn,” *Criminal Justice*, Summer 2011, p. 1

“What Use Are Legal Academics?,” *Criminal Justice*, Spring 2011, p. 1

“Criminal Justice—What’s Ahead? Roadblocks and New Directions,” *Criminal Justice*, Winter 2011, p. 1

“Thinking About White-Collar Crime and Punishment,” *Criminal Justice*, Fall 2010, p. 1

“Question of the Week – Unauthorized Practice of Law,” *BNA’s Corporate Counsel Weekly* 372 (Dec. 9, 2009) [reprinted in *BNA*, “Legal Ethics for In-House Corporate Counsel,” B-2601 (2010)]

Book Review [Peter A. Joy & Kevin C. McMunigal, *Do No Wrong - Ethics for Prosecutors and Defense Lawyers*], *The Champion* 59-60 (Feb. 2009)

“Prosecutors’ Professional Independence: Reflections on *Garcetti v. Ceballos*,” *Criminal Justice*, Summer 2010, p. 4

“Deceitful Silence,” *Litigation*, Winter 2007, p. 24

“Feeling a Chill,” *ABA Journal*, Dec. 2005, p. 61 (with David C. Clifton)

“Prosecuting Means More Than Locking Up Bad Guys,” *Litigation*, Fall 2005, p. 12

“Interviewing Corporate Client Officers and Employees: Ethical Considerations,” *ABA Section of Litigation, Committee on Corporate Counsel Newsletter*, vol. 19, no. 1, p. 1 (Fall 2004) [reprinted in *ABA Section of Litigation, Professional Liability Litigation [Newsletter]*, vol. 3, no. 1, p. 1 (Winter 2005)]

Client Confidences: Should Lawyers Be Allowed to Reveal Them to Prevent Death or Serious Bodily Harm?: Yes, *New York Lawyer*, Oct. 2001, p. 20

Adventures in the Mortgage Trade: A Case Study in Legal Ethics, 27 *N.Y. Real Property Law Journal* 49 (Spring, 1999) (with Joshua Stein) [also published in *Commercial Real Estate Financing: What Borrowers and Lenders Need to Know* 1999 vol. 2, p. 749 (PLI 1999)]

Lying Clients: An Age-Old Problem, *Litigation*, Fall 1999, p. 19 [updated and reprinted in Priscilla Anne Schwab, ed., *The Litigation Manual, First Supplement* 1105 (2007)]
When Conflicts of Interest Arise Unexpectedly, *Litigation Ethics*, Spring/Summer 1998, p. 11

The "No-Contact" Rule in New York State--Some Less Contentious Questions, N.Y. Professional Responsibility Report, Aug. 1998, p.1

The Ten Most Common Ethical Violations, *Litigation*, Summer 1998, p. 48 [reprinted in *Trial* (March 1999), p. 70; updated and reprinted in Priscilla Anne Schwab, ed., *The Litigation Manual, First Supplement* 1077 (2007)]

Teaching Legal Ethics in Context, 70 N.Y.S.B.J. 6 (May/June 1998) (with Mary Daly)

Ethical Issues in Representing Children, 7 *The Professional Lawyer* 9 (1996)

Federal Prosecutors' Ethics: Who Should Draw the Lines?, 7 *The Professional Lawyer* 1 (1995)

Ethical Issues in Representing Older Clients, 5 *The Professional Lawyer* 18 (1994)

Crime and Punishment After the S&L Crisis, 46 *Consumer Finance L.Q. Rep.* 195 (1992)

Conflicts of Interest in Corporate Criminal Cases, 1 *Corp. Crim. & Const'l L. Rptr.* 98 (1990)

"Judge Kennedy Might Not Meet Expectations of Administration," *Nat'l L.J.*, Dec. 21, 1987, p. 20

Articles in *Federal Bar Council News*: "Privileges in the Corporate Context," vol. 12, no. 1, p. 4 (2005); "Ethics Reform in New York," vol. 11, no. 2, p. 11 (2004); "MJP for Litigators," vol. 10, no. 4, p. 14 (2003); "Privately-Funded Seminars for Judges," vol. 9, no. 5, p. 1 (2002); "Multijurisdictional Issues," vol. 7, no. 4, p. 11 (2000); "Moral Ambiguity/Ambiguous Morals: Morgan Stanley and the \$10,000 Payment," vol. 6, no. 4, p. 1 (1999); "When Prosecutors Accuse Criminal Defense Lawyers of Wrongdoing," vol. 5, no. 5, p. 1 (1998); "Prosecuting Lawyers," vol. 5, no. 4, p. 11 (1998); "A View From The 'Ethics' Front," vol. 5, no. 3, p. 7 (1998); "Professional Detachment," vol. 4, no. 4, p. 8 (1997); "The Philosophy of Our Ethical Rules," vol. 4, no. 3, p. 23 (1997); "The President vs. Mrs. Jones," vol. 4, no. 1, p. 11 (1997); "Should Judges Promote Professionalism?," vol. 3, no. 4, p. 4 (1996); "Bad Arguments," vol. 3, no. 1, p. 7 (1996); "The Sins of the Lawyer (and the Procedural Consequences)," vol. 2, no. 4, p. 9 (1995); "Attorney Discipline in the Second Circuit," vol. 2, no. 2, p. 11 (1995)

Books

Professional Responsibility: A Contemporary Approach (West Publ. 4th ed. 2020) (with Renee Knake Jefferson, Russell G. Pearce, Peter A. Joy, Sung Hui Kim, M. Ellen Murphy, Laurel S. Terry & Lonnie S. Brown, Jr.)

Professional Responsibility: A Contemporary Approach (West, 3d ed. 2017) (with Russell G. Pearce, Renee Newman Knake, Peter A. Joy, Sung Hui Kim, M. Ellen Murphy & Laurel S. Terry)

Professional Responsibility: A Contemporary Approach (West, 2d ed. 2014) (with Russell G. Pearce, Daniel J. Capra, Renee Newman Knake & Laurel S. Terry)

Professional Responsibility: A Contemporary Approach (West, 2011) (with Russell G. Pearce & Daniel J. Capra)

Tax Fraud and Money Laundering (The John Marshall Publ. Co., 1993) (with Robert H. Hishon & Richard A. Westin)

Editor, *Government Ethics for the 1990's: The Collected Reports of the New York State Commission on Government Integrity* (Fordham Univ. Press, 1991)

Book Chapters

The flood of US lawyers: natural fluctuation or professional climate change?, *in Too Many Lawyers? The future of the legal profession* 71-86 (Eyal Katvan et al., ed.) (Routledge 2017)

Attorneys' Conflicts of Interest in International Arbitrations, *in Contemporary Issues in International Arbitration and Mediation: The Fordham Papers 2014* 73-89 (Arthur W. Rovine, ed.) (Brill Nijhoff 2015)

Prosecutors' Ethics in Context: Influences on Prosecutorial Disclosure," *in Lawyers in Practice: Ethical Decision Making in Context* 269-92 (Leslie C. Levin & Lynn Mather, ed.) (University of Chicago Press 2012) (with Ellen Yaroshefsky)

"Rule 1.10: Imputation of Conflicts of Interest," *in The New York Rules of Professional Conduct: Rules and Commentary* 235-66 (2010) (NYCLA Ethics Inst., ed.)

"Rule 1.11: Special Conflicts of Interest for Former and Current Government Officers and Employees," *in The New York Rules of Professional Conduct: Rules and Commentary* 267-86 (2010) (NYCLA Ethics Inst., ed.)

“Rule 1.12: Specific Conflicts of Interest for Former Judges, Arbitrators, Mediators or Other Third-Party Neutrals,” in *The New York Rules of Professional Conduct: Rules and Commentary* 287-95 (2010) (NYCLA Ethics Inst., ed.)

“Ethical Issues in Dealing with Experts,” in *Litigators on Experts* 126 (ABA 2010) (with Lawrence J. Fox)

“Ethics in Criminal Advocacy,” in *The State of Criminal Justice* 181 (2009) (with Ellen Yaroshefsky)

“Ethics in Criminal Advocacy,” in *The State of Criminal Justice* 123 (2007-2008) (with Ellen Yaroshefsky)

“The Ethics of Marketing Legal Services,” in *Effective Marketing for Lawyers* (N.Y.S. Bar Ass'n 1996) (with Russell Pearce), and *Effective Marketing for Lawyers* (N.Y.S. Bar Ass'n 2d ed. 2005) (with Russell Pearce)

Reporter to *Evidence in America: The Federal Rules in the United States* (1989-91 supp., Fed. R. Evid. 801, 802, and 804)

Other Legal Writings

“When the Prosecutor Becomes the Judge,” ACSblog, Feb. 25, 2016, <https://www.acslaw.org/acsblog/when-the-prosecutor-becomes-the-judge>

“A Professional Responsibility Perspective on *Turner v. Rogers*,” Concurring Opinions, June 2, 2011, <http://concurringopinions.com/archives/author/bruce-green>

“Interviewing Corporate Client Officers and Employees: Ethical Considerations,” in ABA Section of Litigation, 2004 Annual Conference

Report of the Commission on Multijurisdictional Practice (Aug. 2002)

“Representing Corporations Under Fire: Ethical Considerations – A Hypothetical,” and “Representing Corporations Under Fire: Ethical Considerations,” in MCLE Marathon 2002 521, 527 (PLI 2002)

Interim Report of the Commission on Multijurisdictional Practice (Nov. 2001)

“A Guide to Professionalism Commissions” report of the ABA Standing Committee on Professionalism (2001)

“Recent Federal Court Decisions in Professional Responsibility,” *in* Current Developments in Federal Civil Practice 2001 413 (PLI 2001) (with Mary Lu Bilek)

Editor, *Litigation Ethics: Course Materials for Continuing Legal Education* (ABA Section of Litigation 2000) (with John Q. Barrett)

“Assisting Clients with Multi-State and Interstate Legal Problems: The Need to Bring the Professional Regulation of Lawyers into the 21st Century” (report summarizing the proceedings of the Symposium on the Multijurisdictional Practice of Law) (June 2000)

“Recent Federal Court Decisions in Professional Responsibility,” *in* Current Developments in Federal Civil Practice 1999 311 (PLI 1999)

“The Duty to Report Ethical Misconduct,” *in* ABA Section of Family Law, *1998 Annual Meeting* 17 (July 31-Aug. 3, 1998)

“Local Rules Limiting Attorney Speech in Criminal Proceedings” (Federal Bar Council, June 1996) (principal author)

“Establishing Ethical Standards for Federal Prosecutors and Defense Attorneys,” 49 *The Record of the Assn. of the Bar of the City of New York* 21 (1994) (principal author)

“Ex Parte Contacts With Employees of a Corporate Party in Civil Litigation,” *in* ABA Section of Litigation, *Best Evidence Seminar* 41 (Apr. 19, 1991)

“Use of an Attorney’s Statements Against His or Her Client,” *in* ABA Section of Litigation, *Best Evidence Seminar* 35 (Mar. 9-10, 1990)

Articles in Non-legal Publications

Is Jeffrey Clark’s Secret Conversation With Trump “Privileged”?, *Just Security*, Feb. 5, 2021, [Is Jeffrey Clark’s Secret Conversation With Trump “Privileged”? \(justsecurity.org\)](https://justsecurity.org/jeffrey-clark-secret-conversation-with-trump-privileged/) (with Rebecca Roiphe)

“Trump’s lawsuits are good for American democracy,” *The Hill*, Nov. 9, 2020, <https://thehill.com/opinion/white-house/525008-trumps-lawsuits-are-good-for-american-democracy> (with Rebecca Roiphe)

“Congress Needs to Empower DOJ IG to Hold Prosecutors Accountable,” *Bloomberg Law*, Oct. 2, 2020 (with Rebecca Roiphe), <https://news.bloomberglaw.com/us-law-week/congress-needs-to-empower-doj-ig-to-hold-prosecutors-accountable?context=search&index=3>

“A Lawyer’s Client was Abused by his Father. But he also Paid the Lawyer’s Fees. Now the Client is on Death Row.” Newsweek, Mar. 11, 2019, <https://www.newsweek.com/acklin-alabama-lawyer-fee-conflict-sctus-1358937>

“Pardoning Paul Manafort might not be such a bad idea if Donald Trump wants to take a risk,” USA Today, Aug. 27, 2018 (with Rebecca Roiphe), <https://www.usatoday.com/story/opinion/2018/08/27/paul-manafort-convicted-trump-pardon-obstruction-justice-column/1083646002/>

“Judge Kavanaugh and Justice Kennedy do not have conflicts of interest,” The Hill, July 13, 2018 (with Rebecca Roiphe), <http://thehill.com/opinion/judiciary/396922-judges-kavanaugh-and-justice-kennedy-do-not-have-conflicts-of-interest>

“The president is the chief executive, but does not control the Mueller probe,” The Hill, March 26, 2018 (with Rebecca Roiphe), <http://thehill.com/opinion/white-house/380036-the-president-is-the-chief-executive-but-does-not-control-the-mueller>

“Third Party Legal Fee Payments – A Problem for Trump But Not for Corporations (Perspective),” Oct. 3, 2017, <https://biglawbusiness.com/third-party-legal-fee-payments-a-problem-for-trump-but-not-for-corporations-perspective/>

“Are Systemic Legal Problems Like Public Health Problems? (Perspective),” Bloomberg Law, June 9, 2017, <https://bol.bna.com/are-systemic-legal-problems-like-public-health-problems-perspective/>

“Trump Should Hire His Own Lawyers to Defend Emoluments Suit (Perspective),” Bloomberg Law, May 3, 2017, <https://bol.bna.com/trump-should-foot-legal-bill-to-defend-emoluments-suit-perspective/>

“Justice Gorsuch Should Take Inspiration From John Adams (Perspective),” Bloomberg Law, April 13, 2017, <https://bol.bna.com/justice-gorsuch-should-take-inspiration-from-john-adams-perspective/>

“Michael Flynn Should Listen to a Lawyer (Perspective),” Bloomberg Law, April 3, 2017, <https://bol.bna.com/michael-flynn-should-listen-to-a-lawyer-perspective/>

“Trump Loves ‘Fake Judges,’ Can’t Stand Real Judges (Perspective),” Bloomberg Law, March 28, 2017, <https://bol.bna.com/trump-loves-fake-judges-cant-stand-real-judges-perspective/>

“Bharara Firing Shows Trump’s Ethics Problem, Says Law Professor (Perspective),” Bloomberg Law, March 13, 2017, <https://bol.bna.com/bharara-firing-shows-trumps-ethics-problem-says-law-professor-perspective/>

“What Michael Bloomberg can teach Donald Trump about ethics,” Newsday, Jan. 21, 2017, <http://www.newsday.com/opinion/commentary/what-michael-bloomberg-can-teach-donald-trump-about-ethics-1.12991254>

Participation in Professional and Academic Programs (since January 2010)

Presenter, symposium on “The Ethics of Government Service,” Notre Dame Law School, Feb. 13, 2021

Panelist, “From Rudy Giuliani to Josh Hawley: What is the Role of Lawyer Discipline?,” Hofstra Law School, Jan. 27, 2020

Panelist, Report by the Working Group on Litigation Funding, N.Y. City Bar, Jan. 26, 2020

Co-speaker, “Ethical Obligations in Misdemeanor Courts,” ABA Public Defense Summit, Jan. 22, 2020

Co-interviewee, “Prosecutorial Discretion: Police Killings and Sexual Abuse,” Talks on Law, recorded Dec. 8, 2020, available at: <https://www.talksonlaw.com/talks/prosecutorial-discretion-police-killings-and-sexual-abuse>

Panelist, “The Next 50: Looking to the Future of Criminal Justice Ethics,” Hofstra Law School, Nov. 16, 2020

Moderator, “The Problem of Lawyers’ Mental Health in the Decade of the 2020s,” symposium on Mental Health and the Legal Profession, Fordham Law School, Nov. 6, 2020

Panelist, “Lawyer Discipline and Executive Branch Lawyers,” Cardozo Law School, Oct. 29, 2020

Panelist, “Ethical Considerations for Corporate Investigations in the World of Covid-19,” N.Y. City Bar, Sept. 17, 2020

Co-speaker, “CJS History: The History of the CJS Standards Project,” The JustPod, Aug. 20, 2020, <https://www.buzzsprout.com/252350/4970960-cjs-history-the-history-of-the-cjs-standards-project>

Commenter, “Discussion Group: State Your Case: The Influence of State Court Decisions, Tribal Courts, and State and Local Level Reforms on Criminal Practice,” Southeastern Association of Law Schools 2020 Annual Conference, Aug. 3, 2020

Speaker, "Discussion Group: Prosecution: Implications of the Progressive Prosecution Movement," Southeastern Association of Law Schools 2020 Annual Conference, Aug. 2, 2020

Faculty, "Are Outside Counsel Guidelines a Threat to the Practice?," ABA webinar, April 20, 2020

Co-speaker, "Ethical Issues in the Practice of the Attorney General's Office," Office of the NYS Attorney General, Feb. 13, 2020

Panelist, "Ethical Considerations for Corporate Lawyers in 2020," Cardozo Law School, Feb. 5, 2020

Panelist, "Achieving Access to Justice Through ADR: Fact or Fiction?," Fordham Law School, Nov. 1, 2019

Panelist, discussion of Lonnie T. Brown, Jr., *Defending the Public's Enemy: The Life and Legacy of Ramsay Clark*, University of Georgia School of Law, Oct. 3, 2019

Panelist, "Ethical Considerations for Corporate Investigations: Views from All Sides," N.Y. City Bar, Sept. 18, 2019

Moderator, "Risky Business: The Mueller Minefield and Ethical Dilemmas for Lawyers Involved in Government Investigations," ABA 2019 Annual Meeting, San Francisco, California, Aug. 9, 2019

Panelist, "'Less fast, Less Furious'?: Protecting Clients & the Public in an Era of Regulatory Reform," Association of Professional Responsibility Lawyers 2019 Annual Meeting, San Francisco, California, Aug. 9, 2019

Moderator, "Discussion Group: A 2020 Vision of Criminal Prosecution and Defense," Southeastern Association of Law Schools 2019 Annual Conference, Boca Raton, Florida, July 30, 2019

Speaker, "Discussion Group: Vulnerable People, Fragile Rights, Criminal Justice," Southeastern Association of Law Schools 2019 Annual Conference, Boca Raton, Florida, July 28, 2019

Presenter, Legal Ethics and Fiduciaries Workshop, Kylemore Abbey Global Center, University of Notre Dame, Connemara, County Galway, Ireland, June 20-21, 2019

Moderator, "Hard Legal Ethics Questions – How to Resolve Them or, Even Better, Avoid Them," NY City Bar, May 16, 2019

Panelist, “Litigators and Witnesses: Ethical Considerations and Limitations,” NELA/NY Spring Conference, NY, NY, May 10, 2019

Panelist, “Conversations on the Warren Court’s Impact on Criminal Justice – After 50 Years,” Stetson University College of Law, April 5, 2019

Co-panelist, “Legal Ethics and Professional Responsibility,” Legal Issues in Museum Administration 2019, ALI-CLE, Washington, DC

Speaker, “Prosecutorial Discretion: The Difficulty and Necessity of Public Inquiry,” Symposium on Discretion and Misconduct: Examining the Roles, Functions, and Duties of the Modern Prosecutor, Penn State - Dickinson Law School, March 15, 2019

Panelist, “Avoiding Ethical Pitfalls in a Complicated Business Environment,” Cardozo Law School, Feb. 27, 2019

Panelist, “Special Counsel Investigations and Legal Ethics,” Duquesne University School of Law, Feb. 8, 2019

Speaker, “Current Developments in internal investigations in US Criminal Law and Procedure,” Internal Investigations – Comparative Workshop on US, UK and German Law, House of Finance, Goethe University, Frankfurt, Germany, Jan. 31, 2019

Panelist, “The Ethical Obligations of a Lawyer to Learn the *True* Facts,” NYS Bar Ass’n Annual Meeting, Jan. 15, 2019

Panelist, “Refresher Ethics: Steering Clear of Witness Minefields,” ABA Webinar, Dec. 18, 2018

Panelist, “The Ethics of Copyright Trolling (And More): A Game Show,” the Copyright Society of America, NY, NY, Dec. 13, 2018

Panelist, “Ethics for Corporate Counsel,” NYSBA Corporate Counsel Section, NY, NY, Nov. 30, 2018

Co-presenter, “May Federal Prosecutors Take Direction from the President?,” Faculty workshop, Rutgers Law School (Newark), Nov. 29, 2018

Moderator, “Lies, Damned Lies and ‘Alternative Facts,’” ABA Center for Professional Responsibility, Webinar, Oct. 11, 2018

Panelist, “Ethical Considerations for Corporate Investigations: Views from All Sides,” N.Y. City Bar, Oct. 4, 2018

Panelist, “Polish Your Ethics: Legal Sand Traps Trial Lawyers Should Avoid,” 2018 Annual Meeting, American College of Trial Lawyers, New Orleans, Louisiana, Sept. 27, 2018

Discussant, “Discussion Group: The Ethics of Legal Education,” 2018 Annual Conference, Southeastern Association of Law Schools, Ft. Lauderdale, Florida, August 9, 2018

Moderator, “Discussion Group: Judging – 50 Years After the Chicago Seven Trial,” al Defense,” 2018 Annual Conference, Southeastern Association of Law Schools, Ft. Lauderdale, Florida, August 7, 2018

Discussant, “Discussion Group: Conversations on the Warren Court’s Impact on Criminal Justice,” 2018 Annual Conference, Southeastern Association of Law Schools, Ft. Lauderdale, Florida, August 6, 2018

Panelist, “Litigators’ Ethics CLE,” 2018 Second Circuit Judicial Conference, Saratoga Springs, NY, June 14, 2018

Presenter, “More than a Stern Rebuke: A ‘Broken Windows’ Strategy for Judges Policing Prosecutors,” Criminal Justice Ethics Schmooze, Brooklyn Law School, June 11, 2018

Panelist, “Ethics of Working with Witnesses, ABA Webinar, recorded June 6 2018, to be aired Aug. 15, 2018

Moderator, “Lies, Damned Lies and ‘Alternative Facts,’” 44th ABA National Conference on Professional Responsibility, Louisville, Kentucky, May 31, 2018

Panelist, “Social Media: Legal, Ethical and Practical Considerations for Lawyers,” Federal Bar Council, Bridgeport, Connecticut, May 21, 2018

Moderator, “An Ounce of Prevention: How to Reduce Liability, Disciplinary and Reputational Risks, N.Y. City Bar, May 16, 2018

Panelist, “Ethics: Financing Mass Torts,” 2018 Drug & Medical Device Seminar, Defense Research Institute, NY, NY, May 11, 2018

Presenter, “Professional Discipline of US Advocates,” Workshop on “Regulating Lawyers Through Disciplinary Systems,” International Institute for the Sociology of Law, Oñati, Spain, April 26, 2018

Panelist, “Sentencing Reform from the Bench: The Emerging Role of District Court Judges,” NYU Annual Survey of American Law, NYU School of Law, March 26, 2018

Panelist, “Ethical Pitfalls and Pratfalls in Corporate Representations: Conflicts, Waivers, and Common Interest and Joint Defense Agreements,” Cardozo Law School, March 7, 2018

Panelist, “Prying Eyes: Think Confidential and Privileged Client Information is Safe at the Border: Think Again,” 32nd Annual National Institute on White Collar Crime, ABA, San Diego, CA, March 2, 2018

Moderator, “Creating Groundbreaking Research on Neuroscience and Law,” conference on The Future of Neuroscience and Law, Fordham Law School, Feb. 21, 2018

Panelist, Litigation Ethics and New Technology, Federal Bar Council 2018 Winter Bench & Bar Conference, Nevis, Feb. 16, 2018

Speaker, “Love in the Time of Cholera or Ethics in the Time of Trump?,” McNerney Inn of Court, U.S. Courthouse, SDNY, NY NY, Feb. 7, 2018

Panelist, “Whistleblowers, Reporting Up, and the Professional Rules of Ethics, NYS Bar Ass’n Annual Meeting, NY, NY, Jan. 24, 2018

Co-chair and co-moderator, “Ethical Issues in Pro Bono Representation,” PLI, Dec. 14, 2017

Organizer and commentator, “Regulation of Legal and Judicial Services Conference: Comparative and International Perspectives,” Stein Center for Law and Ethics, Fordham Law School, Dec. 8-9, 2017

Panelist, “Ethics in Legal Practice: An Update and Review of Recent Ethics Opinions in 2017,” NYS Bar Ass’n, Albany, NY, Dec. 6, 2017

Moderator, “Ethics and Criminal Justice Hypotheticals,” Appellate Division, Third Department, Albany, NY, Oct. 31, 2017

Panel moderator, “Access to Justice and the Legal Profession in an Era of Contracting Civil Liability,” Fordham Law School, Oct. 27, 2017

Panelist, “The Death of Conflicts,” Federal Bar Council Fall Bench & Bar Retreat, New Paltz, NY, Oct. 22, 2013

Speaker, “The Right to *Two* Criminal Defense Lawyers,” Symposium on Disruptive Innovation in Criminal Defense, Mercer University School of Law, Oct. 6, 2017

Panelist, “Ethical Considerations for Corporate Investigations: Views from All Sides,” N.Y. City Bar, Sept. 27, 2017

Presenter, “Comparative Approaches to Regulation and Protection of Lawyers,” 2017 Seasonal Meeting of the NYSBA International Section, Antigua, Guatemala, Sept. 14, 2017

Panelist, “Prying Eyes: Think Confidential and Privileged Client Information is Safe at the Border? Guess Again.,” ABA CLE Showcase Program, ABA 2017 Annual Meeting, NY, NY, Aug. 11, 2017

Panelist, “Defending the Public’s Enemy: The Journey of Ramsay Clark,” 2017 Annual Conference, Southeastern Association of Law Schools, Boca Raton, Florida, August 3, 2017

Discussant, “Discussion Group: Reflections on the 2016 ABA Report on the Future of Legal Services in the United States,” 2017 Annual Conference, Southeastern Association of Law Schools, Boca Raton, Florida, August 3, 2017

Discussant, “Discussion Group: Incorporating Developments in Forensic Science and Technology into the Criminal Justice System,” 2017 Annual Conference, Southeastern Association of Law Schools, Boca Raton, Florida, August 2, 2017

Discussant, “Discussion Group: Criminal Justice and Technology: Changes in Law, Practice, and Culture,” 2017 Annual Conference, Southeastern Association of Law Schools, Boca Raton, Florida, August 1, 2017

Moderator & organizer, “Discussion Group: Disruptive Innovation in Criminal Defense,” 2017 Annual Conference, Southeastern Association of Law Schools, Boca Raton, Florida, July 31, 2017

Co-presenter, “The President, the Department of Justice, and Prosecutorial Independence” (work-in-progress), Legal Ethics Schmooze, UCLA, July 21, 2017

Panelist, “Ethics for OAG Lawyers,” Office of the NYS Attorney General, June 20, 2017

Moderator, “A Difference of Opinion: Federal-State Conflict in Lawyer Ethics Matters,” ABA 43rd National Conference on Professional Responsibility, St. Louis, Missouri, June 2, 2017

Presenter, work-in-progress, “Academic Scholarship Roundtable,” ABA 43rd National Conference on Professional Responsibility, St. Louis, Missouri, June 2, 2017

Presenter on Legal Ethics, Office of the Public Defender, Tel Aviv, Israel, May 22, 2017

“Candor to the Court and Client,” Annual Lecture on Legal Ethics, The David Weiner Center for Lawyers’ Ethics and Professional Responsibility, The Haim Striks School of Law - The College of Management and Academic Studies, Rishon LeZion, Israel, May 21, 2017

Moderator, “Ethical Issues in Criminal Defense and Prosecution: the Role of Rules, Standards, Case Law and Professional Judgment,” ABA Criminal Justice Section Spring Meeting, Jackson Hole, Wyoming, May 5, 2017

Co-presenter, ethics training, Federal Defender - Eastern District of Pennsylvania, Philadelphia, PA, May 2, 2017

Panelist, “Common Ground on Criminal Discovery and the Future of Brady v. Maryland, 2017 Spring Symposium: Finding Common Ground: Preventing Errors in Criminal Justice, Quattrone Center for the Fair Administration of Justice, University of Pennsylvania Law School, April 21, 2017

Moderator, “Working Ethically with Non-Lawyer Professionals in Public Interest Settings,” Fordham Law School, March 30, 2017

Panelist, “Ethical Considerations for the Business and Corporate Attorney,” Cardozo Law School, March 7, 2017

Panelist, “Timely Ethics Issues: Interacting With Witnesses, Firm General Counsel,” 2017 Winter Bench & Bar Conference, Federal Bar Council, Palm Springs, California, Feb. 24, 2017

Presenter, “The Challenges and Rewards of Teaching Legal Ethics,” 2017 Legal Ethics Conference – New Challenges in Legal Ethics, California Western School of Law, Feb. 11, 2017

Presenter, Symposium, “Protect and Serve: Perspectives on 21st Century Policing,” Univ. of Georgia School of Law, Jan. 27, 2017

Panelist, “The Attorney’s Role in Promoting a Strong Corporate Culture,” NYSBA Annual Meeting, Business Law Section & Corporate Counsel Section, NY, NY, Jan. 25, 2017

Co-presenter, “Immigration Ethics,” Justice AmeriCorps Year 3 National Training, Potomac, Maryland, Jan. 11, 2017

Co-chair and co-moderator, “Ethical Issues in Pro Bono Representation,” PLI, Dec. 15, 2016

Panelist, “Managing Your Client’s Image in the Court of Public Opinion,” NYCLA, Nov. 16, 2016

Panelist, “Wearing Two Hats as a Neutral and an Attorney: How to deal with inconsistent mandates in the ethical codes for lawyers and neutrals,” NYSBA Dispute Resolution Section Fall Meeting, NY Law School, Oct. 28, 2016

Co-panelist, "Ethical considerations when representing clients with, or defending actions brought by individuals with, mental disabilities and impairments," Disability Law Forum, N.Y. City Bar, Oct. 13, 2016

Panelist, "Ethical Considerations for Corporate Investigations: Views from All Sides," N.Y. City Bar, Sept. 21, 2016

Moderator & organizer, "Discussion Group: Re-imagining the Ideal Role of Prosecutors," 2016 Annual Conference, Southeastern Association of Law Schools, Amelia Island, Florida, August 6, 2016

Discussant, "The Future of Legal Ethics Scholarship: Are We in the End Days or Just Getting Started?" 2016 Annual Conference, Southeastern Association of Law Schools, Amelia Island, Florida, August 5, 2016

Organizer, The Ethics and Regulation of Lawyers Worldwide: Comparative and Interdisciplinary Perspectives, Seventh biannual International Legal Ethics Conference, International Association of Legal Ethics, New York, July 14-16, 2016

Co-presenter, "Rethinking Prosecutors' Conflicts of Interest," CrimFest, Cardozo Law School, July 12, 2016

Presenter, "The Price of Judicial Economy in the US," Workshop on "Too Few Judges? Regulating the Number of Judges in Society," International Institute for the Sociology of Law, Oñati, Spain, July 1, 2016

Panelist, "Corruption Scandals, the Panama Papers, and the Transnational Lawyer in Latin America: Strengthening the Profession through Better Ethics Standards," NY City Bar, June 6, 2016

Moderator, "The Decision-Making Conundrum When Representing a Child or Mentally Impaired Adult," ABA National Conference on Professional Responsibility, Philadelphia, PA, June 3, 2016

Panelist, "Litigators' Ethics: An Interactive Discussion of Problems of Confidentiality and Disclosure," 2016 Second Circuit Judicial Conference, Saratoga, NY, May 25, 2016
Moderator, "Ethics Gumbo: First You Make a Roux," ABA National Legal Malpractice Conference, New Orleans, Louisiana, April 28, 2016

Panelist, "Surveillance and the Attorney-Client Relationship: Recent International Developments," Seventh International Professional Responsibility Conference, Association for Professional Responsibility Lawyers, Paris, France, April 13, 2016

Presenter, "Ethics in Class Actions: 2015-16 Update," Institute for Law & Economic Policy, 22nd Annual Symposium, April 8, 2016, Miami Beach, Florida

Moderator, "Brandeis and Lawyering (II)," Conference on Louis D. Brandeis: An Interdisciplinary Perspective, Touro Law Center, Mar. 31, 2016

Speaker, Georgetown Journal of Legal Ethics Symposium on "Remaining Ethical Lawyers in a Changing Profession," Georgetown Univ. Law Center, Mar. 18, 2016

Panelist, "Current Issues in Corporate Representation," Cardozo Law School, Feb. 9, 2016

Panelist, "Watch Out Below! Avoiding Ethical Pitfalls in Class Action Litigation," NYSBA Antitrust Law Section, Annual Meeting, NY, NY, Jan. 28, 2016

Moderator, "Ethics in Criminal Practice, The Hardest Questions Today: A Conversation in Honor of Monroe Freedman," AALS Annual Conference, NY, NY, Jan. 7, 2016

Co-chair and co-moderator, "Ethical Issues in Pro Bono Representation," PLI, Dec. 11, 2015

Panelist, "Social Responsibility of Corporations," CJS Global White Collar Crime Institute, ABA Criminal Justice Section & KoGuan Law School, Shanghai, China, Nov. 20, 2015

Presenter & Facilitator, Professional Responsibility and Ethics in the Global Legal Market, Moscow State University Law School, Moscow, Russia, Oct. 28-31, 2015

Panelist, "What Line? Reining in Prosecutorial Excesses: The Ethics and Strategy of Negotiations," NACDL's 11th Annual White Collar Crime Seminar, Fordham Law School, Oct. 22, 2015

Panelist, "Ethical Considerations for Corporate Investigations: Views from All Sides," N.Y. City Bar, Sept. 11, 2015

Discussant, "Keeping the Conversation Going on Intractable Problems in the Criminal Justice System," 2015 Annual Conference, Southeastern Association of Law Schools, Boca Raton, Florida, August 1, 2015

Commentator, "Defense Attorneys," CrimFest 2015, Cardozo Law School, July 20, 2015
Presenter, "Rethinking Prosecutors' Conflicts of Interest," 2015 Legal Ethics Schmooze, Stanford Law School, June 25, 2015

Moderator, "Attorney Privilege and Work Product," New York State-Federal Judicial Counsel & the Second Circuit Judicial Counsel, Brooklyn, NY, June 18, 2015

Moderator, “Ethics and Corporate Social Responsibility,” Corporate Social Responsibility Leadership Course, Fordham Law School, June 11, 2015

Organizer, moderator and presenter, “Criminal Justice Ethics Schmooze,” Fordham Law School June 8-9, 2015

Moderator, “Ineffective Assistance of Counsel and Forensic Evidence,” 6th Annual Prescription for Criminal Justice Forensics, ABA Criminal Justice Section & Louis Stein Center for Law and Ethics, Fordham Law School, June 5, 2015

Panelist, “Ethics and Professionalism: Best Practices for Attorneys,” N.Y. City Bar, May 18, 2015

Panelist, “Ethical Issues in FCPA Compliance & Investigations,” Practical Advice from the Front Lines,” Fordham Law School, May 12, 2015

Panelist, “Negotiation Ethics: Pitfalls and Rules,” NYSBA Committee on Women in the Law, NYC, May 5, 2015

Speaker, Conference on “Reconsidering Access to Justice,” Texas A&M Law School, May 1, 2015

Co-interviewee, “The Power of the Prosecutor,” Talks on Law, recorded April 22, 2015, available at: <http://www.talksonlaw.com/talks/26>

Moderator, Panel discussion: Thurgood Marshall’s Legacy, NYCLA, April 15, 2015

Moderator, “Hot Topics: Ethical Issues in Public Interest Lawyering,” Fordham Law School, March 31, 2015

Speaker, “Lawyers as Lovers: Are We Romanticizing the Lawyer-Client Relationship?,” Conference on Billy Joel & the Law, Touro Law School, March 22, 2015

Moderator, “Ethical Issues in Insurance Law: 2015 Update,” NYCLA, March 18, 2015

Panelist, “Developments in Ethics for Antitrust Lawyers,” ABA teleseminar, Feb. 24, 2015

Presenter, “Prosecutorial Accountability in the Information Age” (work-in-progress), faculty workshop, Notre Dame Law School, Feb. 21, 2015

Panelist, “The Ethics of Conflicts of Interest,” Clifford Law Offices Continuing Legal Education Program, Chicago, IL, Feb. 20, 2015

Panelist, "Current Ethical Issues in Corporate Representation," Cardozo Law School, Feb. 11, 2015

Panelist, "The Ethical Minefields of Witnesses: A Refresher," ABA Webinar, Dec. 19, 2014

Co-chair and co-moderator, "Ethical Issues in Pro Bono Representation," PLI, Dec. 16, 2014

Panelist, "Ethical Considerations for Corporate Investigations: Views from All Sides," N.Y. City Bar, Sept. 30, 2014

Panelist, "Taz, Morality & Ethics," The Taslitz Galaxy: A Gathering of Scholars at Howard, Howard University School of Law, Sept. 19, 2014

Panelist, "Supreme Court Update and Other Notable Developments in Criminal Law," Southeastern White Collar Crime Institute, ABA Criminal Justice Section, Braselton, Georgia, Sept. 12, 2014

Co-presenter, "Regulation of U.S. Prosecutors in the Information Age," International Legal Ethics Conference VI, London, England, July 11, 2014

Presenter, "Reforming the regulation of the prosecutors: A slightly comparative perspective," Conference of the International Working Group for Comparative Studies of the Legal Professions, Frauenchiemsee, Germany, July 7, 2014

Panelist, "International Ethics," Ninth Annual Fordham Law School Conference on International Arbitration and Mediation," June 12, 2014

Panelist, "Fifth Annual Prescription for Criminal Justice Forensics," ABA Criminal Justice Section, NY, NY, June 6, 2014

Panelist, "Ethics of Working With Witnesses," Professional Education Broadcast Network, May 16, 2014

Panelist, "Plenary: Twenty Years After the MacCrate Report: Revisiting the Continuum," NCBE Annual Admissions Conference, Seattle, WA, May 3, 2014

Moderator, "Conflicts: The Basics and Recent Developments," Ethics for In-House Counsel: New Developments & Future Challenges, Fordham Law School, March 20, 2014

Panelist, "Race and Access to Justice," Georgetown Univ. Law Center, Washington, D.C., March 18, 2014

Co-speaker, "Professional Ethics for Public Interest Lawyers," Brennan Center for Social Justice, NY, NY, Feb. 28, 2014

Panelist, “Attorney Client Privilege and Selective Waiver in Bank Regulation,” Cardozo Law School, Feb. 24, 2014

Panelist, “Who Are They to Judge? Ethical and Professionalism Issues Facing the Bench,” 11th Annual Legal Ethics & Professionalism Symposium, Univ. of Georgia Law School, Feb. 21, 2014

Panelist, “Bridge the Gap” C.L.E. Orientation Program, Committee on Character & Fitness (Supreme Court, Appellate Division, First Judicial Department), NYCLA, Feb. 19, 2014

Moderator, “Ethical Choices in Dealing with Crime Victims: What is a Prosecutor, Defender and Judge to Do?,” 2014 ABA Midyear Meeting, Chicago, IL, Feb. 7, 2014

Panelist, “Stop, Frisk & Judicial Independence: An Ethics CLE,” NY Chapters of the Puerto Rican Bar, Federal Bar and National Bar Associations, U.S. Courthouse, NY, NY, Jan. 8, 2014

Commentator, “The Lost Lawyer and the Lawyer-Statesman Ideal: A Generation Later – the Shifting Sands of Professional Identity,” AALS Annual Meeting, NY, NY, Jan. 4, 2014

Co-presenter, Workshop on Prosecutorial Ethics, Hitotsubashi Univ., Tokyo, Japan, Dec. 18, 2013

Co-presenter, Workshop on Prosecutorial Ethics, Japan Federation of Bar Associations, Tokyo, Japan, Dec. 17, 2013

Presenter, “Comparing the Honesty and Candor Obligations of U.S. Prosecutors and Defense Lawyers,” Chukyo Univ., Nagoya, Japan, Dec. 16, 2013

Moderator, panel on “Unbundled Legal Services,” “Until Civil Gideon: Expanding Access to Civil Justice,” Fordham Law School, Nov. 1, 2013

Moderator, “Ripped from the Headlines,” 9th Annual White Collar Seminar, NACDL, Washington, D.C., Oct. 24, 2013

Panelist, Federal Criminal Practice Institute, New York County Lawyers’ Association, Oct. 19, 2013

Panelist, “Ethical Considerations for Corporate Investigations: Views from All Sides,” Association of the Bar of the City of New York, Sept. 25, 2013

Moderator, “Criminal Discovery Under *Brady v. Maryland*: Current Developments,” Association of the Bar of the City of New York, Sept. 19, 2013

Moderator, “Navigating the Ethical Challenges in Counseling Unaccompanied Minors,” DCS Legal Access Project Managers’ Meeting, Vera Institute of Justice, July 31, 2013

Presenter, Ethics Workshop, Annual Capital Defense Training Program, New York City Bar, July 15, 2013

Panelist, “Culpability and White Collar Crime,” 2013 AALS Midyear Meeting, San Diego, CA, June 10, 2013

Panelist, “The Ethics of Sub-Prime Lending,” conference on The Mortgage Crisis—Five Years Later, Coalition for Debtor Education, Fordham Law School, June 3, 2013

Moderator, “Prosecutors’ Ethical and Professional Decision Making – Is it Unique?,” 39th ABA National Conference on Professional Responsibility, San Antonio, TX, May 30, 2013

Co-presenter, “Hot Topics in Legal Ethics,” Fordham Law School, May 20, 2013

Panelist, “Criminal Law and Ethics,” NYCLA, April 23, 2013

Panelist, “Religion and the Practice of Law,” 2013 Conference on Religious Legal Theory, Touro Law Center, April 11, 2013

Commentator, Conference on “The Ethical Infrastructure and Culture of Law Firms,” Hofstra Law School, April 5, 2013

Presenter, “The Gideon Effect: Rights, Justice and Lawyers Fifth Years After Gideon v. Wainwright,” Yale Law Journal Symposium, Yale Law School, March 9, 2013

Panelist, “Complying with Brady and Strategies for Defense Counsel,” 27th Annual National Institute on White Collar Crime, Las Vegas, Nevada, March 8, 2013

Panelist, “Ethics in White Collar Cases,” 27th Annual National Institute on White Collar Crime, Las Vegas, Nevada, March 7, 2013

Presenter, “Imagining Plea Bargaining Without Competent Counsel: Justice Scalia’s Pursuit of Less Perfect Justice,” conference on Plea Bargaining After Lafler and Frye, Duquesne Univ. School of Law, March 1, 2013

Moderator, “The Business and Ethics of Managing a 21st Century Law Firm: New, Smart and Ethical Business Models,” Fordham Law School, Feb. 26, 2013

Panelist, “Representing Financial Institutions and their Employees in SEC Enforcement Actions,” ABA Section of Business Law, White Collar Crime Committee, NY, NY, Feb. 13, 2012

Speaker, "New Developments in Attorney-Client Privilege," AALS 2013 Annual Meeting, New Orleans, LA, Jan. 5, 2013

Chair and moderator, "Ethical Issues in Pro Bono Representation 2012," PLI, Dec. 18, 2012

Panelist, "Ethical Issues for the Modern Day Prosecutor," Kings County District Attorney's Office, Nov. 20, 2012

Panelist, "Navigating Ethical Waters: Obstruction of Justice, Destruction of Evidence and False Statements," 8th Annual White-Collar Seminar, NACDL, Fordham Law School, NY, NY, Nov. 15, 2012

Lecture, "Lawyers' Professional Independence: Overrated or Undervalued?," Miller-Becker Center for Professional Responsibility Distinguished Lecture Series, Akron Law School, Nov. 9, 2012

Speaker, "Federal Criminal Discovery Reform: A Legislative Approach," symposium on Defining and Enforcing the Federal Prosecutor's Duty to Disclose Exculpatory Information, the 13th Annual Georgia Symposium on Ethics and Professionalism, Mercer Law School, Oct. 5, 2012

Moderator, "Ethical Issues for Criminal Practitioners," National Law Journal/Legal Times & Fordham Law School, recorded webinar broadcast on Oct. 2, 2012

Panelist, "Ethical Considerations for Corporate Investigations: Updates 2012," Association of the Bar of the City of New York, Sept. 12, 2012

Speaker, "Lawyers' Professional Independence: Is it undervalued or overrated?," International Legal Ethics Conference V, Banff, Alberta, July 13, 2012

Panelist, "Law Without Walls," International Legal Ethics Conference V, Banff, Alberta, July 13, 2012

Presenter, "Ethical Practice in the Criminal Justice System: Finding Common Ground," National Institute for Teaching Ethics & Professionalism, Seattle, WA, June 22-24, 2012

Panelist, "Parallel Proceedings: Emerging Issues & Best Practices," Association of the Bar of the City of New York, June 13, 2012

Presenter, "Rehabilitating Lawyers: Perceptions of Deviance and Its Cures in the Lawyer Disciplinary Process," 2012 International Conference on Law & Society, Honolulu, HA, June 5, 2012

Panelist, "So You Think You're Up-to-Date on Attorney Client Privilege & Confidentiality," 38th ABA National Conference on Professional Responsibility, Boston, MA, June 1, 2012

Panelist, "Conflicts in the Face of Corporate Representations and Government Investigative Techniques," 1st Annual White Collar Crime Institute, Association of the Bar of the City of New York, May 14, 2012

Panelist, "Conflicts and Choice of Law Updates," Professional Responsibility and Legal Ethics: Exploring the Similarities and the Differences Across Legal Systems, Association of Professional Responsibility Lawyers International Conference, Istanbul, Turkey, May 4, 2012

Co-speaker, "Rehabilitating Lawyers: Perceptions of Deviance and its Cures in the Lawyer Reinstatement Process," The Law: Business or Profession? - The Continuing Relevance of Julius Henry Cohen for the Practice of Law in the Twenty-First Century, Fordham Law School, April 24, 2012

Speaker, "The Flood of U.S. Lawyers: Natural Fluctuation or Professional Climate Change?," Too Many Lawyers? - Facts, Reasons, Consequences, and Solutions, International Institute for the Sociology of Law, Oñati, Spain, April 20, 2012

Presenter, "Prosecutors and Professional Regulation," faculty workshop, Fordham Law School, March 22, 2012

Speaker, "Ethics," Counseling Clients in the Entertainment Industry 2012, PLI, March 12, 2012

Panelist, "Ethics for Government Lawyers 2012," PLI, March 9, 2012

Speaker, "Ethics for Government Lawyers," U.S. Environmental Protection Agency, Region 2, Office of Regional Counsel, March 8, 2012

Moderator, "Top Ten Reasons You'll Wish You had Become a Trust & Estates Lawyer: Ethical Pitfalls and Blunders in White Collar Practice," 26th National Institute on White Collar Crime, ABA, Miami, Florida, March 1, 2012

Panelist, "Developments in Ethics for Antitrust Lawyers," live webinar and teleconference, ABA Section of Antitrust Law, Feb. 16, 2012

Panelist, "Prosecutorial Accountability in the Post-*Connick v. Thompson* Era: Reforms and Solutions," ABA Death Penalty Representation Project et al., New Orleans, Louisiana, Feb. 4, 2012

Speaker, "Ethical Issues in Federal Practice," Current Developments in Federal Civil Practice 2012, PLI, Feb. 1, 2012

Panelist, "Technology in Your Practice - Trends, Tools and Ethics Rules," NYSBA Annual Meeting, Jan. 26, 2012

Panelist, "Rules of Professional Conduct and the Government Lawyer," NYSBA Annual Meeting, Jan. 24, 2012

Panelist, "Ethical Considerations in Setting Attorney Fees," NYSBA Annual Meeting, Jan. 24, 2012

Speaker, "Government Lawyering," 2012 Annual Meeting, AALS, Washington, D.C., Jan. 5, 2012

Chair and moderator, "Ethical Issues in Pro Bono Representation 2010," PLI, Dec. 21, 2010

Panelist, "Ethical Issues with Group Representation," LEAP conference on Civil Justice as bedrock value in Difficult Times, Nov. 29, 2011

Panelist, "The Watergate CLE," U.S. District Court - EDNY, Nov. 15, 2011

Panelist, "Future Ethics: Who Will Regulate Lawyers in 2020?," New York Law School, Nov. 14, 2011

Panelist, "Community Prosecution & Community Defense," Wake Forest Univ. School of Law, Nov. 4, 2011

Panelist, "Multi-jurisdictional rules of ethics and professional conduct: Coping with conflicting legal rules and privileges in a global business environment," German-American Lawyers' Association, NY, Oct. 25, 2011

Panelist, "What to Do? Has the Potential Client (Who Will Not Disclose) Intentionally Misrepresented?," Working Group on Legal Opinions Fall 2011 Seminar, NY, Oct. 25, 2011

Panelist, "Sentencing Advocacy," 2011 Federal Criminal Practice Institute, NYCLA, Oct. 15, 2011

Moderator, "Representing Clients With Diminished Capacity," Association of the Bar of the City of New York, Oct. 13, 2011

Moderator, "The ABCs of Defense in an E-electronic Age: Ethics and Strategies," 7th Annual White Collar Seminar, NACDL, Fordham Law School, Sept. 22, 2011

Panelist, "Ethical Considerations for Corporate Investigations: Updates 2011," Association of the Bar of the City of New York, Sept. 15, 2011

Panelist, "Alternative Litigation Financing: A New Way to Help Pay for Lawsuits and Stay Out of Trouble While Doing It," NYCLA, Sept. 14, 2011

Panelist, "The Ethical and Practical Challenges of Representing a Controversial Client," Federal Bar Council & Stein Center, E.D.N.Y. federal courthouse, June 29, 2011

Panelist, "What is Good Lawyering?," Conference on Padilla and the Future of the Defense Function, NACDL, Cardozo Law School, June 20, 2011

Luncheon speaker, "Staying Ahead of the Curve: What Every Criminal Defense Lawyer Needs to Know," NYSBA, Albany, NY, June 17, 2011

Panelist, "Tackling Ethical Issues Arising in Criminal Cases," NYCLA, June 16, 2011

Panelist, "Third Party Funding of International Arbitration Claims: The Newest 'New New Thing,'" NYSBA Dispute Resolution Section & Fordham Law School ADR and Conflict Resolution Program, June 15, 2011

Panelist, "How the Rules of Professional Conduct Apply to Government Lawyers," Seventeenth Annual Seminar on Ethics in New York City Government, NYC COIB & Center for New York City Law, New York Law School, May 17, 2011

Panelist, "Hypothetically Speaking II: Issues in the Attorney-Client Relationship under the Rules of Professional Conduct," Association of the Bar of the City of New York, May 16, 2011

Moderator, "Ethics Update: Perspectives from the Federal and State Judiciary," N.Y.S. Federal Judicial Council - Advisory Group, E.D.N.Y. federal courthouse, May 11, 2011

Moderator, "Ethics Update: Perspectives from the Federal and State Judiciary," N.Y.S. Federal Judicial Council - Advisory Group, S.D.N.Y. federal courthouse, May 10, 2011

Panelist, "An Overview of Attorney Error: Malpractice, Breach of Ethical Rules and Ineffective Assistance of Counsel," Mental Hygiene Legal Service, May 3, 2011 (videotape)

Panelist, "The Top Five Ethical Violations and Resulting Claims for Legal Malpractice," Spring 2011 National Legal Malpractice Conference, ABA Standing Committee on Lawyers' Professional Liability, Boston, MA, April 28, 2011

Panelist, "Anatomy of a Trial: Young Lawyer Trial Skills Training," ABA Section of Litigation & Criminal Justice Section Annual CLE Conference," Miami, Florida, April 14, 2011

Panelist, "Ethics," IP Enforcement and Litigation 2011: Civil and Criminal Update, PLI, March 30, 2011

Panelist, "Ethical Implications of Legal Aid and Pro Se Assistance," Legal Aid Society, March 18, 2011

Speaker, "Criminal Defense Ethics," 25th Annual Metropolitan New York Trainer, NYS Defenders Ass'n, March 12, 2011

Moderator, "Criminal Defense?: The Ethical and Legal Line Between Zealous Advocacy and Obstruction of Justice," 25th National Institute on White Collar Crime, ABA Criminal Justice Section, Mar. 3, 2011, San Diego, CA

Panelist, "2011 Ethical Issues," 2011 Winter Bench & Bar Conference, Federal Bar Council, Los Cabos, Mexico, Feb. 21, 2011

Keynote Speaker, "Ted Schneyer's Impact on Legal Ethics Scholarship," The Ted Schneyer Ethics Symposium: Lawyer Regulation for the 21st Century, Univ. Of Arizona, James E. Rogers College of Law, Jan. 28, 2011

Panelist, "Ethical Pitfalls for Business Lawyers," Business Law Section, NYSBA Annual Meeting, Jan. 26, 2011

Co-speaker, "Legal Ethics & Professionalism," Nineteenth Annual London MCLE Fair, CLE Europe Limited, Jan. 15, 2011

Chair and moderator, "Ethical Issues in Pro Bono Representation 2010," PLI, Dec. 21, 2010

Moderator, "Ethical and Privilege Issues for Pharmaceutical Whistleblowers Counsel," Institutional Investor Educational Foundation, New York, NY, Dec. 9, 2010

Moderator, program on ethics and professionalism in criminal prosecution and defense, Multnomah County Courthouse, Portland, OR, Dec. 3, 2010

Panelist, "Ethics and the Construction Lawyer," NYCLA, Nov. 30, 2010

Speaker, "Ethical Practices for the Modern Prosecutor," Brooklyn District Attorney's Office. Oct. 26, 2010

Speaker, "Prosecutive Ethics," annual conference, National Association of Former United States Attorneys, Oct. 9, 2010

Moderator, "A Prosecutor's Brady/Discovery Obligations For Production of Documents," ABA Criminal Justice Section White Collar Crime Mid-Atlantic Regional Committee, Widener Law School, Wilmington, DE, Oct. 7, 2010

Panelist, "'Ethics and Litigation for Today's Trial Counsel,'" 2nd Annual Litigation Summit, Oct. 6, 2010

Panelist, "Ethical Considerations for Corporate Investigations: Updates 2010," Association of the Bar of the City of New York, September 15, 2010

Panelist, "Hot Ethics Issues for Young Trial Lawyers (and the Young at Heart)," ABA ANNUAL Meeting 2010, San Francisco, CA, August 7, 2010

Speaker, "Criminal; Defense Ethics," New York State Defenders Association 43rd Annual Meeting & Conference, Saratoga Springs, NY, July 27, 2010

Panelist, "Lawyers in Context: Ethical Decision Making in Practice," International Legal Ethics Conference IV, Stanford Law School, July 17, 2010

Moderator, "Prosecutors and their Disclosure Duties: A Regulatory Conundrum," 36rd National Conference on Professional Responsibility, ABA, June 3, 2010

Panelist, "Hypothetically Speaking: Considering Issues for the Practitioner under the New Rules of Professional Conduct," Association of the Bar of the City of New York, May 17, 2010

Panelist, "Bloomberg Corporate Internal Investigations: Ethical Considerations Seminar 2010," Bloomberg, NY, March 11, 2010

Panelist, "Protecting the Attorney-Client Privilege and Attorney Work Product," 24th Annual National Institute on White Collar Crime, Miami, Florida, Feb. 25, 2010

Panelist, "Half a Century of Advice," Committee on Professional Ethics, NYSBA Annual Meeting, Jan. 29, 2010